

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 7  
OFFERED BY MR. SCALISE OF LOUISIANA**

At the end of the bill, add the following (and conform the table of contents accordingly):

**1        TITLE XVIII—RESTORE ACT**

**2    SECTION 18001. SHORT TITLE.**

3        This title may be cited as the “Resources and Eco-  
4    systems Sustainability, Tourist Opportunities, and Re-  
5    vived Economies of the Gulf Coast States Act of 2012”.

**6    SEC. 18002. FINDINGS.**

7        Congress finds that—

8            (1) as a result of decades of oil and gas devel-  
9        opment in the Gulf of Mexico, producing and non-  
10       producing States in the Gulf Coast region have  
11       borne substantial risks of environmental damage and  
12       economic harm, all of which culminated with the ex-  
13       plosion on, and sinking of, the mobile offshore drill-  
14       ing unit *Deepwater Horizon*;

15            (2) the discharge of oil in the Gulf of Mexico  
16        that began following the explosion on, and sinking  
17        of, the mobile offshore drilling unit *Deepwater Hori-*  
18        *zon* has caused substantial environmental destruc-

1       tion and economic harm to the people and commu-  
2       nities of the Gulf Coast region;

3           (3)(A) in the report entitled “America’s Gulf  
4       Coast—A Long Term Recovery Plan after the Deep-  
5       water Horizon Oil Spill”, the Secretary of the Navy  
6       stated, “Together, the Gulf’s tourism and commer-  
7       cial and recreational fishing industries contribute  
8       tens of billions of dollars to the [United States]  
9       economy. More than 90 percent of the [N]ation’s  
10      offshore crude oil and natural gas is produced in the  
11      Gulf, and the [F]ederal treasury receives roughly  
12      \$4.5 billion dollars every year from offshore leases  
13      and royalties. And it is in the Gulf of Mexico that  
14      nearly one third of seafood production in the conti-  
15      nental [United States] is harvested. America needs  
16      a healthy and resilient Gulf Coast, one that can sup-  
17      port the diverse economies, communities, and cul-  
18      tures of the region.”;

19           (B) to address the needs of the Gulf Coast re-  
20      gion, the Secretary of the Navy stated, “It is rec-  
21      ommended that the President urge Congress to pass  
22      legislation that would dedicate a significant amount  
23      of any civil penalties recovered under the [Federal  
24      Water Pollution Control Act] from parties respon-

1       sible for the *Deepwater Horizon* oil spill to those di-  
2       rectly impacted by that spill.”; and

3           (C) to mitigate local challenges and help restore  
4       the resiliency of communities adversely affected by  
5       the spill, the Secretary of the Navy stated that the  
6       legislation described in subparagraph (B) should  
7       “[b]uild economic development strategies around  
8       community needs, and take particular efforts to ad-  
9       dress the needs of disadvantaged, underserved, and  
10      resource constrained communities”;

11           (4) in a final report to the President, the Na-  
12      tional Commission on the BP Deepwater Horizon  
13      Oil Spill and Offshore Drilling—

14           (A) stated, “Estimates of the cost of Gulf  
15      restoration, including but not limited to the  
16      Mississippi Delta, vary widely, but according to  
17      testimony before the Commission, full restora-  
18      tion of the Gulf will require \$15 billion to \$20  
19      billion: a minimum of \$500 million annually for  
20      30 years.”; and

21           (B) like the Secretary of the Navy, rec-  
22      ommended that, to meet the needs described in  
23      subparagraph (A), a substantial portion of ap-  
24      plicable penalties under the Federal Water Pol-  
25      lution Control Act (33 U.S.C. 1251 et seq.) be

1 dedicated to long-term restoration of the Gulf  
2 of Mexico;

3 (5) taking into account the risks borne by Gulf  
4 Coast States for decades of oil and gas development  
5 and the environmental degradation suffered by the  
6 Gulf Coast region, the amounts received by the  
7 United States as payment of administrative, civil, or  
8 criminal penalties in connection with the explosion  
9 on, and sinking of, the mobile offshore drilling unit  
10 *Deepwater Horizon* should be expended—

11 (A) to restore the natural resources, eco-  
12 systems, fisheries, marine and wildlife habitats,  
13 beaches, barrier islands, dunes, coastal wet-  
14 lands, and economy of the Gulf Coast; and

15 (B) to address the associated economic  
16 harm suffered by the people and communities  
17 of the region;

18 (6) the projects and programs authorized by  
19 this title and the amendments made by this title  
20 should be carried out pursuant to contracts awarded  
21 in a manner that provides a preference to individuals  
22 and entities that reside in, are headquartered in, or  
23 are principally engaged in business in a Gulf Coast  
24 State; and

1           (7) Federal, State, and local officials should  
2       seek—

3           (A) to leverage the financial resources  
4       made available under this title; and

5           (B) to the maximum extent practicable, to  
6       ensure that projects funded pursuant to this  
7       title complement efforts planned or in operation  
8       to revitalize the natural resources and economic  
9       health of the Gulf Coast region.

10 **SEC. 18003. GULF COAST RESTORATION TRUST FUND.**

11       (a) ESTABLISHMENT.—There is established in the  
12 Treasury of the United States a trust fund to be known  
13 as the “Gulf Coast Restoration Trust Fund” (referred to  
14 in this section as the “Trust Fund”), consisting of such  
15 amounts as are deposited in the Trust Fund under this  
16 title or any other provision of law.

17       (b) TRANSFERS.—The Secretary of the Treasury  
18 shall deposit in the Trust Fund an amount equal to 80  
19 percent of all administrative and civil penalties paid by  
20 responsible parties after the date of enactment of this title  
21 in connection with the explosion on, and sinking of, the  
22 mobile offshore drilling unit *Deepwater Horizon* pursuant  
23 to a court order, negotiated settlement, or other instru-  
24 ment in accordance with section 311 of the Federal Water  
25 Pollution Control Act (33 U.S.C. 1321).

1       (c) EXPENDITURES.—Amounts in the Trust Fund,  
2 including interest earned on advances to the Trust Fund  
3 and proceeds from investment under subsection (d),  
4 shall—

5           (1) be available for expenditure, without further  
6 appropriation, solely for the purpose and eligible ac-  
7 tivities of this title and the amendments made by  
8 this title; and

9           (2) remain available until expended, without fis-  
10 cal year limitation.

11       (d) INVESTMENT.—Amounts in the Trust Fund shall  
12 be invested in accordance with section 9702 of title 31,  
13 United States Code, and any interest on, and proceeds  
14 from, any such investment shall be available for expendi-  
15 ture in accordance with this title and the amendments  
16 made by this title.

17       (e) ADMINISTRATION.—Not later than 180 days after  
18 the date of enactment of this title, after providing notice  
19 and an opportunity for public comment, the Secretary of  
20 the Treasury, in consultation with the Secretary of the In-  
21 terior and the Secretary of Commerce, shall establish such  
22 procedures as the Secretary determines to be necessary  
23 to deposit amounts in, and expend amounts from, the  
24 Trust Fund pursuant to this title, including—

1           (1) procedures to assess whether the programs  
2           and activities carried out under this title and the  
3           amendments made by this title achieve compliance  
4           with applicable requirements, including procedures  
5           by which the Secretary of the Treasury may deter-  
6           mine whether an expenditure by a Gulf Coast State  
7           or coastal political subdivision (as those terms are  
8           defined in section 311 of the Federal Water Pollu-  
9           tion Control Act (33 U.S.C. 1321)) pursuant to such  
10          a program or activity achieves compliance;

11          (2) auditing requirements to ensure that  
12          amounts in the Trust Fund are expended as in-  
13          tended; and

14          (3) procedures for identification and allocation  
15          of funds available to the Secretary under other pro-  
16          visions of law that may be necessary to pay the ad-  
17          ministrative expenses directly attributable to the  
18          management of the Trust Fund.

19 **SEC. 18004. GULF COAST NATURAL RESOURCES RESTORA-**  
20 **TION AND ECONOMIC RECOVERY.**

21          Section 311 of the Federal Water Pollution Control  
22          Act (33 U.S.C. 1321) is amended—

23                 (1) in subsection (a)—

24                         (A) in paragraph (25)(B), by striking  
25                         “and” at the end;

1 (B) in paragraph (26)(D), by striking the  
2 period at the end and inserting a semicolon;  
3 and

4 (C) by adding at the end the following:

5 “(27) the term ‘Chairperson’ means the Chair-  
6 person of the Council;

7 “(28) the term ‘coastal political subdivision’  
8 means any local political jurisdiction that is imme-  
9 diately below the State level of government, includ-  
10 ing a county, parish, or borough, with a coastline  
11 that is contiguous with any portion of the United  
12 States Gulf of Mexico;

13 “(29) the term ‘Comprehensive Plan’ means the  
14 comprehensive plan developed by the Council pursu-  
15 ant to subsection (t);

16 “(30) the term ‘Council’ means the Gulf Coast  
17 Ecosystem Restoration Council established pursuant  
18 to subsection (t);

19 “(31) the term ‘*Deepwater Horizon* oil spill’  
20 means the blowout and explosion of the mobile off-  
21 shore drilling unit *Deepwater Horizon* that occurred  
22 on April 20, 2010, and resulting hydrocarbon re-  
23 leases into the environment;

24 “(32) the term ‘Gulf Coast region’ means—



1           “(A) in the Gulf Coast States, the coastal  
2           zones (as that term is defined in section 304 of  
3           the Coastal Zone Management Act of 1972 (16  
4           U.S.C. 1453)) that border the Gulf of Mexico;

5           “(B) any adjacent land, water, and water-  
6           sheds, that are within 25 miles of those coastal  
7           zones of the Gulf Coast States; and

8           “(C) all Federal waters in the Gulf of Mex-  
9           ico;

10          “(33) the term ‘Gulf Coast State’ means any of  
11          the States of Alabama, Florida, Louisiana, Mis-  
12          sissippi, and Texas; and

13          “(34) the term ‘Trust Fund’ means the Gulf  
14          Coast Restoration Trust Fund established pursuant  
15          to section 18003 of the Resources and Ecosystems  
16          Sustainability, Tourist Opportunities, and Revived  
17          Economies of the Gulf Coast States Act of 2012.”;

18          (2) in subsection (s), by inserting “except as  
19          provided in subsection (t)” before the period at the  
20          end; and

21          (3) by adding at the end the following:

22          “(t) GULF COAST RESTORATION AND RECOVERY.—

23          “(1) STATE ALLOCATION AND EXPENDI-  
24          TURES.—

1           “(A) IN GENERAL.—Of the total amounts  
2           made available in any fiscal year from the  
3           Trust Fund, 35 percent shall be available, in  
4           accordance with the requirements of this sec-  
5           tion, to the Gulf Coast States in equal shares  
6           for expenditure for ecological and economic res-  
7           toration of the Gulf Coast region in accordance  
8           with this subsection.

9           “(B) USE OF FUNDS.—

10           “(i) ELIGIBLE ACTIVITIES.—Amounts  
11           provided to the Gulf Coast States under  
12           this subsection may only be used to carry  
13           out 1 or more of the following activities:

14                   “(I) Coastal restoration projects  
15                   and activities, including conservation  
16                   and coastal land acquisition.

17                   “(II) Mitigation of damage to,  
18                   and restoration of, fish, wildlife, or  
19                   natural resources.

20                   “(III) Implementation of a feder-  
21                   ally approved marine, coastal, or com-  
22                   prehensive conservation management  
23                   plan, including fisheries monitoring.

24                   “(IV) Programs to promote tour-  
25                   ism in a Gulf Coast State, including

1 recreational charter fishing and rec-  
2 reational fishing.

3 “(V) Programs to promote the  
4 consumption of seafood produced from  
5 the Gulf Coast region.

6 “(VI) Programs to promote edu-  
7 cation regarding the natural resources  
8 of the Gulf Coast region.

9 “(VII) Planning assistance.

10 “(VIII) Workforce development,  
11 job creation, and other economic de-  
12 velopment projects.

13 “(IX) Improvements to or upon  
14 State parks located in coastal areas  
15 affected by the *Deepwater Horizon* oil  
16 spill.

17 “(X) Mitigation of the ecological  
18 and economic impact of outer Conti-  
19 nental Shelf activities and the impacts  
20 of the *Deepwater Horizon* oil spill or  
21 promotion of the long-term ecological  
22 or economic recovery of the Gulf  
23 Coast region through the funding of  
24 infrastructure projects.

1           “(XI) Coastal flood protection  
2           and infrastructure directly affected by  
3           coastal wetland losses, beach erosion,  
4           or the impacts of the *Deepwater Hori-*  
5           *zon* oil spill.

6           “(XII) Administrative costs of  
7           complying with this subsection.

8           “(ii) LIMITATION.—

9           “(I) IN GENERAL.—Of the  
10          amounts received by a Gulf Coast  
11          State under this subsection, not more  
12          than 3 percent may be used for ad-  
13          ministrative costs eligible under clause  
14          (i)(XII).

15          “(II) PROHIBITION ON USE FOR  
16          IMPORTED SEAFOOD.—None of the  
17          funds made available under this sub-  
18          section shall be used for any program  
19          to support or promote imported sea-  
20          food or any seafood product that is  
21          not harvested from the Gulf Coast re-  
22          gion.

23          “(C) COASTAL POLITICAL SUBDIVISIONS.—

1 “(i) IN GENERAL.—In the case of a  
2 State where the coastal zone includes the  
3 entire State—

4 “(I) 75 percent of funding shall  
5 be provided to the 8 disproportion-  
6 ately affected counties impacted by  
7 the *Deepwater Horizon* oil spill; and

8 “(II) 25 percent shall be provided  
9 to nondisproportionately impacted  
10 counties within the State.

11 “(ii) LOUISIANA.—Of the total  
12 amounts made available to the State of  
13 Louisiana under this paragraph:

14 “(I) 70 percent shall be provided  
15 directly to the State in accordance  
16 with this subsection.

17 “(II) 30 percent shall be provided  
18 directly to parishes in the coastal zone  
19 (as defined in section 304 of the  
20 Coastal Zone Management Act of  
21 1972 (16 U.S.C. 1453)) of the State  
22 of Louisiana according to the fol-  
23 lowing weighted formula:

1                   “(aa) 40 percent based on  
2                   the weighted average of miles of  
3                   the parish shoreline oiled.

4                   “(bb) 40 percent based on  
5                   the weighted average of the pop-  
6                   ulation of the parish.

7                   “(cc) 20 percent based on  
8                   the weighted average of the land  
9                   mass of the parish.

10                  “(iii) CONDITIONS.—

11                   “(I) LAND USE PLAN.—As a con-  
12                   dition of receiving amounts allocated  
13                   under clause (ii), the chief executive  
14                   of the eligible parish shall certify to  
15                   the Governor of the State that the  
16                   parish has completed a comprehensive  
17                   land use plan.

18                   “(II) OTHER CONDITIONS.—A  
19                   coastal political subdivision receiving  
20                   funding under this paragraph shall  
21                   meet all of the conditions in subpara-  
22                   graph (D).

23                   “(D) CONDITIONS.—As a condition of re-  
24                   ceiving amounts from the Trust Fund, a Gulf  
25                   Coast State, including the entities described in

1           subparagraph (E), or a coastal political subdivi-  
2           sion shall—

3                   “(i) agree to meet such conditions, in-  
4                   cluding audit requirements, as the Sec-  
5                   retary of the Treasury determines nec-  
6                   essary to ensure that amounts disbursed  
7                   from the Trust Fund will be used in ac-  
8                   cordance with this subsection;

9                   “(ii) certify in such form and in such  
10                  manner as the Secretary of the Treasury  
11                  determines necessary that the project or  
12                  program for which the Gulf Coast State or  
13                  coastal political subdivision is requesting  
14                  amounts—

15                   “(I) is designed to restore and  
16                   protect the natural resources, eco-  
17                   systems, fisheries, marine and wildlife  
18                   habitats, beaches, coastal wetlands, or  
19                   economy of the Gulf Coast;

20                   “(II) carries out 1 or more of the  
21                   activities described in subparagraph  
22                   (B)(i);

23                   “(III) was selected based on  
24                   meaningful input from the public, in-  
25                   cluding public scoping, planning, com-

1                   ment, and broad-based participation  
2                   from individuals, businesses, and non-  
3                   profit organizations; and

4                   “(IV) in the case of a natural re-  
5                   source protection or restoration  
6                   project, is based on the best available  
7                   science;

8                   “(iii) certify that the project or pro-  
9                   gram and the awarding of a contract for  
10                  the expenditure of amounts received under  
11                  this paragraph are consistent with the  
12                  standard procurement rules and regula-  
13                  tions governing a comparable project or  
14                  program in that State, including all appli-  
15                  cable competitive bidding and audit re-  
16                  quirements; and

17                  “(iv) develop and submit a multiyear  
18                  implementation plan for the use of such  
19                  amounts.

20                  “(E) APPROVAL BY STATE ENTITY, TASK  
21                  FORCE, OR AGENCY.—The following Gulf Coast  
22                  State entities, task forces, or agencies shall  
23                  carry out the duties of a Gulf Coast State pur-  
24                  suant to this paragraph:

25                  “(i) ALABAMA.—



1                   “(I) IN GENERAL.—In the State  
2 of Alabama, the Alabama Gulf Coast  
3 Recovery Council, which shall be com-  
4 prised of only the following:

5                   “(aa) The Governor of Ala-  
6 bama, who shall also serve as  
7 Chairperson and preside over the  
8 meetings of the Alabama Gulf  
9 Coast Recovery Council.

10                   “(bb) The Director of the  
11 Alabama State Port Authority,  
12 who shall also serve as Vice  
13 Chairperson and preside over the  
14 meetings of the Alabama Gulf  
15 Coast Recovery Council in the  
16 absence of the Chairperson.

17                   “(cc) The Chairman of the  
18 Baldwin County Commission.

19                   “(dd) The President of the  
20 Mobile County Commission.

21                   “(ee) The Mayor of the city  
22 of Bayou La Batre.

23                   “(ff) The Mayor of the town  
24 of Dauphin Island.

1                   “(gg) The Mayor of the city  
2 of Fairhope.

3                   “(hh) The Mayor of the city  
4 of Gulf Shores.

5                   “(ii) The Mayor of the city  
6 of Mobile.

7                   “(jj) The Mayor of the city  
8 of Orange Beach.

9                   “(II) VOTE.—Each member of  
10 the Alabama Gulf Coast Recovery  
11 Council shall be entitled to 1 vote.

12                   “(III) MAJORITY VOTE.—All de-  
13 cisions of the Alabama Gulf Coast Re-  
14 covery Council shall be made by ma-  
15 jority vote.

16                   “(ii) LOUISIANA.—In the State of  
17 Louisiana, the Coastal Protection and Res-  
18 toration Authority of Louisiana.

19                   “(iii) MISSISSIPPI.—In the State of  
20 Mississippi, the Mississippi Department of  
21 Environmental Quality.

22                   “(F) COMPLIANCE WITH ELIGIBLE ACTIVI-  
23 TIES.—If the Secretary of the Treasury deter-  
24 mines that an expenditure by a Gulf Coast  
25 State or coastal political subdivision of amounts

1           made available under this subsection does not  
2           meet 1 of the activities described in subpara-  
3           graph (B)(i), the Secretary shall make no addi-  
4           tional amounts from the Trust Fund available  
5           to that Gulf Coast State or coastal political  
6           subdivision until such time as an amount equal  
7           to the amount expended for the unauthorized  
8           use—

9                       “(i) has been deposited by the Gulf  
10           Coast State or coastal political subdivision  
11           in the Trust Fund; or

12                      “(ii) has been authorized by the Sec-  
13           retary of the Treasury for expenditure by  
14           the Gulf Coast State or coastal political  
15           subdivision for a project or program that  
16           meets the requirements of this subsection.

17                      “(G) COMPLIANCE WITH CONDITIONS.—If  
18           the Secretary of the Treasury determines that  
19           a Gulf Coast State or coastal political subdivi-  
20           sion does not meet the requirements of this  
21           paragraph, including the conditions of subpara-  
22           graph (D), where applicable, the Secretary of  
23           the Treasury shall make no amounts from the  
24           Trust Fund available to that Gulf Coast State

1 or coastal political subdivision until all condi-  
2 tions of this paragraph are met.

3 “(H) PUBLIC INPUT.—In meeting any con-  
4 dition of this paragraph, a Gulf Coast State  
5 may use an appropriate procedure for public  
6 consultation in that Gulf Coast State, including  
7 consulting with 1 or more established task  
8 forces or other entities, public scoping, plan-  
9 ning, and comment, to develop recommenda-  
10 tions for proposed projects and programs that  
11 would restore and protect the natural resources,  
12 ecosystems, fisheries, marine and wildlife habi-  
13 tats, beaches, coastal wetlands, and economy of  
14 the Gulf Coast.

15 “(I) PREVIOUSLY APPROVED PROJECTS  
16 AND PROGRAMS.—A Gulf Coast State or coastal  
17 political subdivision shall be considered to have  
18 met the conditions of subparagraph (D) for a  
19 specific project or program if, before the date of  
20 enactment of the Resources and Ecosystems  
21 Sustainability, Tourist Opportunities, and Re-  
22 vived Economies of the Gulf Coast States Act  
23 of 2012—

24 “(i) the Gulf Coast State or coastal  
25 political subdivision has established condi-

1           tions for carrying out projects and pro-  
2           grams that are substantively the same as  
3           the conditions described in subparagraph  
4           (D); and

5           “(ii) the applicable project or program  
6           carries out 1 or more of the activities de-  
7           scribed in subparagraph (B)(i).

8           “(J) CONSULTATION WITH COUNCIL.—In  
9           carrying out this paragraph, each Gulf Coast  
10          State shall identify large-scale projects that  
11          may be jointly supported by that Gulf Coast  
12          State and by the Council pursuant to the Com-  
13          prehensive Plan with amounts provided under  
14          this paragraph.

15          “(K) NON-FEDERAL MATCHING FUNDS.—

16               “(i) IN GENERAL.—A Gulf Coast  
17          State or coastal political subdivision may  
18          use, in whole or in part, amounts made  
19          available to that Gulf Coast State from the  
20          Trust Fund to satisfy the non-Federal  
21          share of the cost of any project or program  
22          authorized by Federal law that meets the  
23          eligible use requirements under subpara-  
24          graph (B)(i).

1                   “(ii) EFFECT ON OTHER FUNDS.—

2                   The use of funds made available from the  
3                   Trust Fund to satisfy the non-Federal  
4                   share of the cost of a project or program  
5                   that meets the requirements of clause (i)  
6                   shall not affect the priority in which other  
7                   Federal funds are allocated or awarded.

8                   “(L) LOCAL PREFERENCE.—In awarding  
9                   contracts to carry out a project or program  
10                  under this paragraph, a Gulf Coast State or  
11                  coastal political subdivision may give a pref-  
12                  erence to individuals and companies that reside  
13                  in, are headquartered in, or are principally en-  
14                  gaged in business in the State of project execu-  
15                  tion.

16                  “(M) UNUSED FUNDS.—Any funds not  
17                  identified in an implementation plan by a State  
18                  or coastal political subdivision in accordance  
19                  with subparagraph (D)(iv) shall remain in the  
20                  Trust Fund until such time as the State or  
21                  coastal political subdivision to which the funds  
22                  have been allocated develops and submits a plan  
23                  identifying uses for those funds in accordance  
24                  with subparagraph (D)(iv).

1           “(N) JUDICIAL REVIEW.—If the Secretary  
2           of the Treasury determines that a Gulf Coast  
3           State or coastal political subdivision does not  
4           meet the requirements of this paragraph, in-  
5           cluding the conditions of subparagraph (D), the  
6           Gulf Coast State or coastal political subdivision  
7           may obtain expedited judicial review within 90  
8           days after that decision in a district court of  
9           the United States, of appropriate jurisdiction  
10          and venue, that is located within the State  
11          seeking such review.

12          “(2) COUNCIL ESTABLISHMENT AND ALLOCA-  
13          TION.—

14               “(A) IN GENERAL.—Of the total amount  
15               made available in any fiscal year from the  
16               Trust Fund, 60 percent shall be disbursed to  
17               the Council to carry out the Comprehensive  
18               Plan and projects, programs, and activities ap-  
19               proved pursuant to paragraph (3)(B)(iv).

20               “(B) COUNCIL EXPENDITURES.—

21                   “(i) IN GENERAL.—In accordance  
22                   with this paragraph, the Council shall ex-  
23                   pend funds made available from the Trust  
24                   Fund to undertake projects and programs  
25                   that would restore and protect the natural

1 resources, ecosystems, fisheries, marine  
2 and wildlife habitats, beaches, coastal wet-  
3 lands, and economy of the Gulf Coast.

4 “(ii) ALLOCATION AND EXPENDITURE  
5 PROCEDURES.—The Secretary of the  
6 Treasury shall develop such conditions, in-  
7 cluding audit requirements, as the Sec-  
8 retary of the Treasury determines nec-  
9 essary to ensure that amounts disbursed  
10 from the Trust Fund to the Council to im-  
11 plement the Comprehensive Plan will be  
12 used in accordance with this paragraph.

13 “(iii) ADMINISTRATIVE EXPENSES.—  
14 Of the amounts received by the Council  
15 under this paragraph, not more than 3  
16 percent may be used for administrative ex-  
17 penses.

18 “(C) GULF COAST ECOSYSTEM RESTORA-  
19 TION COUNCIL.—

20 “(i) ESTABLISHMENT.—There is es-  
21 tablished as an independent entity in the  
22 Federal Government a council to be known  
23 as the ‘Gulf Coast Ecosystem Restoration  
24 Council’.



1                   “(ii) MEMBERSHIP.—The Council  
2 shall consist of the following members, or  
3 in the case of a Federal agency, a designee  
4 at the level of the Assistant Secretary or  
5 the equivalent:

6                   “(I) The Chair of the Council on  
7 Environmental Quality.

8                   “(II) The Secretary of the Inte-  
9 rior.

10                  “(III) The Secretary of the  
11 Army.

12                  “(IV) The Secretary of Com-  
13 merce.

14                  “(V) The Administrator of the  
15 Environmental Protection Agency.

16                  “(VI) The Secretary of Agri-  
17 culture.

18                  “(VII) The head of the depart-  
19 ment in which the Coast Guard is op-  
20 erating.

21                  “(VIII) The Governor of the  
22 State of Alabama.

23                  “(IX) The Governor of the State  
24 of Florida.

1                   “(X) The Governor of the State  
2                   of Louisiana.

3                   “(XI) The Governor of the State  
4                   of Mississippi.

5                   “(XII) The Governor of the State  
6                   of Texas.

7                   “(iii) ALTERNATE.—A Governor ap-  
8                   pointed to the Council by the President  
9                   may designate an alternate to represent  
10                  the Governor on the Council and vote on  
11                  the Governor’s behalf.

12                  “(iv) CHAIRPERSON.—From among  
13                  the Federal agency members of the Coun-  
14                  cil, the representatives of States on the  
15                  Council shall select, and the President  
16                  shall appoint, 1 Federal member to serve  
17                  as Chairperson of the Council.

18                  “(v) PRESIDENTIAL APPOINTMENT.—  
19                  All Council members shall be appointed by  
20                  the President.

21                  “(vi) COUNCIL ACTIONS.—

22                         “(I) IN GENERAL.—Subject to  
23                         subclause (IV), significant actions by  
24                         the Council shall require the affirma-  
25                         tive vote of the Chairperson and a

1 majority of the State members to be  
2 effective.

3 “(II) INCLUSIONS.—Significant  
4 actions include—

5 “(aa) approval of a Com-  
6 prehensive Plan and future revi-  
7 sions to a Comprehensive Plan;

8 “(bb) approval of State  
9 plans pursuant to paragraph  
10 (3)(B)(iv); and

11 “(cc) approval of reports to  
12 be submitted to Congress pursu-  
13 ant to clause (vii)(X).

14 “(III) QUORUM.—A quorum of  
15 State members shall be required to be  
16 present for the Council to take any  
17 significant action.

18 “(IV) AFFIRMATIVE VOTE RE-  
19 QUIREMENT DEEMED MET.—For ap-  
20 proval of State plans pursuant to  
21 paragraph (3)(B)(iv), the certification  
22 by a State member of the Council that  
23 the plan satisfies all requirements of  
24 clauses (i) and (ii) of paragraph  
25 (3)(B), when joined by an affirmative

1 vote of the Chairperson of the Coun-  
2 cil, is deemed to satisfy the require-  
3 ments for affirmative votes under sub-  
4 clause (I).

5 “(V) PUBLIC TRANSPARENCY.—  
6 Appropriate actions of the Council, in-  
7 cluding significant actions and associ-  
8 ated deliberations, shall be made  
9 available to the public via electronic  
10 means prior to any vote.

11 “(vii) DUTIES OF COUNCIL.—The  
12 Council shall—

13 “(I) develop the Comprehensive  
14 Plan and future revisions to the Com-  
15 prehensive Plan;

16 “(II) identify as soon as prac-  
17 ticable the projects that—

18 “(aa) have been authorized  
19 prior to the date of enactment of  
20 this subsection but not yet com-  
21 menced; and

22 “(bb) if implemented quick-  
23 ly, would restore and protect the  
24 natural resources, ecosystems,  
25 fisheries, marine and wildlife

1 habitats, beaches, barrier islands,  
2 dunes, and coastal wetlands of  
3 the Gulf Coast region;

4 “(III) coordinate the development  
5 of consistent policies, strategies,  
6 plans, and activities by Federal agen-  
7 cies, State and local governments, and  
8 private sector entities for addressing  
9 the restoration and protection of the  
10 Gulf Coast region;

11 “(IV) establish such other advi-  
12 sory committee or committees as may  
13 be necessary to assist the Council, in-  
14 cluding to address public policy and  
15 scientific issues;

16 “(V) coordinate scientific and  
17 other research associated with restora-  
18 tion of the Gulf Coast region;

19 “(VI) seek to ensure that all poli-  
20 cies, strategies, plans, and activities  
21 for addressing the restoration of the  
22 Gulf Coast region are based on the  
23 best available physical, ecological, and  
24 economic data;

1 “(VII) make recommendations to  
2 address the particular needs of espe-  
3 cially economically and socially vulner-  
4 able populations;

5 “(VIII) develop standard terms  
6 to include in contracts for projects  
7 and programs awarded pursuant to  
8 the Comprehensive Plan that provide  
9 a preference to individuals and com-  
10 panies that reside in, are  
11 headquartered in, or are principally  
12 engaged in business in a Gulf Coast  
13 State;

14 “(IX) prepare an integrated fi-  
15 nancial plan and recommendations for  
16 coordinated budget requests for the  
17 amounts proposed to be expended by  
18 the Federal agencies represented on  
19 the Council for projects and programs  
20 in the Gulf Coast States; and

21 “(X) submit an annual report to  
22 Congress that—

23 “(aa) summarizes the poli-  
24 cies, strategies, plans, and activi-  
25 ties for addressing the restora-

1                   tion and protection of the Gulf  
2                   Coast region;

3                   “(bb) describes the projects  
4                   and programs being implemented  
5                   to restore and protect the Gulf  
6                   Coast region; and

7                   “(cc) makes such rec-  
8                   ommendations to Congress for  
9                   modifications of existing laws as  
10                  the Council determines necessary  
11                  to implement the Comprehensive  
12                  Plan.

13                 “(viii) APPLICATION OF FEDERAL AD-  
14                 VISORY COMMITTEE ACT.—The Council, or  
15                 any other advisory committee established  
16                 under this subparagraph, shall not be con-  
17                 sidered an advisory committee under the  
18                 Federal Advisory Committee Act (5 U.S.C.  
19                 App.).

20                 “(ix) SUNSET.—The Council, or any  
21                 other advisory committee established under  
22                 this subparagraph, shall cease operations  
23                 when all funds in the Trust Fund have  
24                 been expended.

25                 “(D) COMPREHENSIVE PLAN.—

1 “(i) PROPOSED PLAN.—

2 “(I) IN GENERAL.—Not later  
3 than 180 days after the date of enact-  
4 ment of the Resources and Eco-  
5 systems Sustainability, Tourist Op-  
6 portunities, and Revived Economies of  
7 the Gulf Coast States Act of 2012,  
8 the Chairperson, on behalf of the  
9 Council and after appropriate public  
10 input, review, and comment, shall  
11 publish a proposed plan to restore and  
12 protect the natural resources, eco-  
13 systems, fisheries, marine and wildlife  
14 habitats, beaches, and coastal wet-  
15 lands of the Gulf Coast region.

16 “(II) CONTENTS.—The proposed  
17 plan described in subclause (I) shall  
18 include and incorporate the findings  
19 and information prepared by the  
20 President’s Gulf Coast Restoration  
21 Task Force.

22 “(ii) PUBLICATION.—

23 “(I) INITIAL PLAN.—Not later  
24 than 1 year after the date of enact-  
25 ment of the Resources and Eco-



1 systems Sustainability, Tourist Op-  
2 portunities, and Revived Economies of  
3 the Gulf Coast States Act of 2012  
4 and after notice and opportunity for  
5 public comment, the Chairperson, on  
6 behalf of the Council and after ap-  
7 proval by the Council, shall publish in  
8 the Federal Register the initial Com-  
9 prehensive Plan to restore and protect  
10 the natural resources, ecosystems,  
11 fisheries, marine and wildlife habitats,  
12 beaches, and coastal wetlands of the  
13 Gulf Coast region.

14 “(II) COOPERATION WITH GULF  
15 COAST RESTORATION TASK FORCE.—  
16 The Council shall develop the initial  
17 Comprehensive Plan in close coordina-  
18 tion with the President’s Gulf Coast  
19 Restoration Task Force.

20 “(III) CONSIDERATIONS.—In de-  
21 veloping the initial Comprehensive  
22 Plan, the Council shall consider all  
23 relevant findings or reports submitted  
24 by a center of excellence participating  
25 in the Gulf Coast Ecosystem Restora-

1 tion Science, Monitoring, and Tech-  
2 nology Program established pursuant  
3 to section 18005(c) of the Resources  
4 and Ecosystems Sustainability, Tour-  
5 ist Opportunities, and Revived Econo-  
6 mies of the Gulf Coast States Act of  
7 2012.

8 “(IV) CONTENTS.—The initial  
9 Comprehensive Plan shall include—

10 “(aa) such provisions as are  
11 necessary to fully incorporate in  
12 the Comprehensive Plan the  
13 strategy, projects, and programs  
14 recommended by the President’s  
15 Gulf Coast Restoration Task  
16 Force;

17 “(bb) a list of any project or  
18 program authorized prior to the  
19 date of enactment of this sub-  
20 section but not yet commenced,  
21 the completion of which would  
22 further the purposes and goals of  
23 this subsection and of the Re-  
24 sources and Ecosystems Sustain-  
25 ability, Tourist Opportunities,

1 and Revived Economies of the  
2 Gulf Coast States Act of 2012;

3 “(cc) a description of the  
4 manner in which amounts from  
5 the Trust Fund projected to be  
6 made available to the Council for  
7 the succeeding 10 years will be  
8 allocated; and

9 “(dd) subject to available  
10 funding in accordance with clause  
11 (iii), a prioritized list of specific  
12 projects and programs to be  
13 funded and carried out during  
14 the 3-year period immediately  
15 following the date of publication  
16 of the initial Comprehensive  
17 Plan, including a table that illus-  
18 trates the distribution of projects  
19 and programs by Gulf Coast  
20 State.

21 “(V) PLAN UPDATES.—The  
22 Council shall update—

23 “(aa) the Comprehensive  
24 Plan every 5 years in a manner  
25 comparable to the manner estab-

1                   lished in this subparagraph for  
2                   each 5-year period for which  
3                   amounts are expected to be made  
4                   available to the Gulf Coast States  
5                   from the Trust Fund; and

6                   “(bb) the 3-year list of  
7                   projects and programs described  
8                   in subclause (IV)(dd) annually.

9                   “(iii) RESTORATION PRIORITIES.—Ex-  
10                  cept for projects and programs described  
11                  in subclause (IV)(bb), in selecting projects  
12                  and programs to include on the 3-year list  
13                  described in subclause (IV)(dd), based on  
14                  the best available science, the Council shall  
15                  give highest priority to projects that ad-  
16                  dress 1 or more of the following criteria:

17                  “(I) Projects that are projected  
18                  to make the greatest contribution to  
19                  restoring and protecting the natural  
20                  resources, ecosystems, fisheries, ma-  
21                  rine and wildlife habitats, beaches,  
22                  and coastal wetlands of the Gulf  
23                  Coast region, without regard to geo-  
24                  graphic location.

1 “(II) Large-scale projects and  
2 programs that are projected to sub-  
3 stantially contribute to restoring and  
4 protecting the natural resources, eco-  
5 systems, fisheries, marine and wildlife  
6 habitats, beaches, and coastal wet-  
7 lands of the Gulf Coast region.

8 “(III) Projects contained in exist-  
9 ing Gulf Coast State comprehensive  
10 plans for the restoration and protec-  
11 tion of natural resources, ecosystems,  
12 fisheries, marine and wildlife habitats,  
13 beaches, and coastal wetlands of the  
14 Gulf Coast region.

15 “(IV) Projects that restore long-  
16 term resiliency of the natural re-  
17 sources, ecosystems, fisheries, marine  
18 and wildlife habitats, beaches, and  
19 coastal wetlands most impacted by the  
20 *Deepwater Horizon* oil spill.

21 “(E) IMPLEMENTATION.—

22 “(i) IN GENERAL.—The Council, act-  
23 ing through the Federal agencies rep-  
24 resented on the Council and Gulf Coast

1 States, may carry out projects and pro-  
2 grams adopted in the Comprehensive Plan.

3 “(ii) ADMINISTRATIVE RESPONSIB-  
4 ILITY.—

5 “(I) IN GENERAL.—Primary au-  
6 thority and responsibility for each  
7 project and program included in the  
8 Comprehensive Plan shall be assigned  
9 by the Council to a Gulf Coast State  
10 represented on the Council or a Fed-  
11 eral agency.

12 “(II) TRANSFER OF AMOUNTS.—  
13 Amounts necessary to carry out each  
14 project or program included in the  
15 Comprehensive Plan shall be trans-  
16 ferred by the Secretary of the Treas-  
17 ury from the Trust Fund to that Fed-  
18 eral agency or Gulf Coast State as the  
19 project or program is implemented,  
20 subject to such conditions as the Sec-  
21 retary of the Treasury, in consultation  
22 with the Secretary of the Interior and  
23 the Secretary of Commerce, estab-  
24 lished pursuant to section 18003 of  
25 the Resources and Ecosystems Sus-

1           tainability, Tourist Opportunities, and  
2           Revived Economies of the Gulf Coast  
3           States Act of 2012.

4           “(iii) COST SHARING.—

5                   “(I) IN GENERAL.—A Gulf Coast  
6           State or coastal political subdivision  
7           may use, in whole or in part, amounts  
8           made available to that Gulf Coast  
9           State or coastal political subdivision  
10          from the Trust Fund to satisfy the  
11          non-Federal share of the cost of car-  
12          rying out a project or program that—

13                   “(aa) is authorized by other  
14          Federal law; and

15                   “(bb) meets the criteria of  
16          this paragraph.

17                   “(II) INCLUSION IN COMPREHEN-  
18          SIVE PLAN.—A project or program de-  
19          scribed in subclause (I) shall be se-  
20          lected and adopted by the Council as  
21          part of the Comprehensive Plan in the  
22          manner described in this paragraph.

23                   “(F) COORDINATION.—The Council and  
24          the Federal members of the Council may de-  
25          velop memorandums of understanding estab-

1           lishing integrated funding and implementation  
2           plans among the member agencies and authori-  
3           ties.

4           “(3) OIL SPILL RESTORATION IMPACT ALLOCA-  
5           TION.—

6                   “(A) IN GENERAL.—Except as provided in  
7           paragraph (4), of the total amount made avail-  
8           able to the Council under paragraph (2) in any  
9           fiscal year from the Trust Fund, 50 percent  
10          shall be disbursed by the Council as follows:

11                   “(i) FORMULA.—Subject to subpara-  
12          graph (B), for each Gulf Coast State, the  
13          amount disbursed under this paragraph  
14          shall be based on a formula established by  
15          the Council by regulation that is based on  
16          a weighted average of the following cri-  
17          teria:

18                   “(I) 40 percent based on the pro-  
19          portionate number of miles of shore-  
20          line in each Gulf Coast State that ex-  
21          perienced oiling on or before April 10,  
22          2011, compared to the total number  
23          of miles of shoreline that experienced  
24          oiling as a result of the *Deepwater*  
25          *Horizon* oil spill.



1                   “(II) 40 percent based on the in-  
2                   verse proportion of the average dis-  
3                   tance from the *Deepwater Horizon*  
4                   mobile offshore drilling unit at the  
5                   time of the explosion to the nearest  
6                   and farthest point of the shoreline  
7                   that experienced oiling of each Gulf  
8                   Coast State.

9                   “(III) 20 percent based on the  
10                  average population in the 2010 decen-  
11                  nial census of coastal counties bor-  
12                  dering the Gulf of Mexico within each  
13                  Gulf Coast State.

14               “(ii) MINIMUM ALLOCATION.—The  
15               amount disbursed to a Gulf Coast State  
16               for each fiscal year under clause (i) shall  
17               be at least 5 percent of the total amounts  
18               made available under this paragraph.

19               “(B) APPROVAL OF PROJECTS AND PRO-  
20               GRAMS.—

21               “(i) IN GENERAL.—The Council shall  
22               disburse amounts to the respective Gulf  
23               Coast States in accordance with the for-  
24               mula developed under subparagraph (A)  
25               for projects, programs, and activities that

1 will improve the ecosystems or economy of  
2 the Gulf Coast region, subject to the condi-  
3 tion that each Gulf Coast State submits a  
4 plan for the expenditure of amounts dis-  
5 bursed under this paragraph which meet  
6 the following criteria:

7 “(I) All projects, programs, and  
8 activities included in that plan are eli-  
9 gible activities pursuant to paragraph  
10 (1)(B)(i).

11 “(II) The projects, programs,  
12 and activities included in that plan  
13 contribute to the overall economic and  
14 ecological recovery of the Gulf Coast  
15 region.

16 “(III) The plan is consistent with  
17 the goals and objectives described in  
18 paragraph (2)(B)(i).

19 “(ii) FUNDING.—

20 “(I) IN GENERAL.—Except as  
21 provided in subclause (II), the plan  
22 described in clause (i) may use not  
23 more than 25 percent of the funding  
24 made available for infrastructure

1 projects eligible under subclauses (X)  
2 and (XI) of paragraph (1)(B)(i).

3 “(II) EXCEPTION.—The plan de-  
4 scribed in clause (i) may propose to  
5 use more than 25 percent of the fund-  
6 ing made available for infrastructure  
7 projects eligible under subclauses (X)  
8 and (XI) of paragraph (1)(B)(i) if the  
9 plan certifies that—

10 “(aa) ecosystem restoration  
11 needs in the State will be ad-  
12 dressed by the projects in the  
13 proposed plan; and

14 “(bb) additional investment  
15 in infrastructure is required to  
16 mitigate the impacts of the *Deep-*  
17 *water Horizon* oil spill to the eco-  
18 system or economy.

19 “(iii) DEVELOPMENT.—The plan de-  
20 scribed in clause (i) shall be developed  
21 by—

22 “(I) in the State of Alabama, the  
23 Alabama Gulf Coast Recovery Council  
24 established under paragraph (1)(E)(i);

1 “(II) in the State of Florida, a  
2 consortia of local political subdivisions  
3 to include at a minimum 1 representa-  
4 tive of each affected county;

5 “(III) in the State of Louisiana,  
6 the Coastal Protection and Restora-  
7 tion Authority of Louisiana;

8 “(IV) in the State of Texas, the  
9 Office of the Governor or an ap-  
10 pointee of the Office of the Governor;  
11 and

12 “(V) in the State of Mississippi,  
13 the Office of the Governor or an ap-  
14 pointee of the Office of the Governor.

15 “(iv) APPROVAL.—Not later than 60  
16 days after the date on which a plan is sub-  
17 mitted under clause (i), the Council shall  
18 approve or disapprove the plan based on  
19 the conditions of clause (i).

20 “(C) DISAPPROVAL.—If the Council dis-  
21 approves a plan pursuant to subparagraph  
22 (B)(iv), the Council shall—

23 “(i) provide the reasons for dis-  
24 approval in writing; and

1 “(ii) consult with the State to address  
2 any identified deficiencies with the State  
3 plan.

4 “(D) FAILURE TO SUBMIT ADEQUATE  
5 PLAN.—If a State fails to submit an adequate  
6 plan under this paragraph, any funds made  
7 available under this paragraph shall remain in  
8 the Trust Fund until such date as a plan is  
9 submitted and approved pursuant to this para-  
10 graph.

11 “(E) JUDICIAL REVIEW.—If the Council  
12 fails to approve or take action within 60 days  
13 on a plan described in subparagraph (B)(iv),  
14 the State may obtain expedited judicial review  
15 within 90 days of that decision in a district  
16 court of the United States, of appropriate juris-  
17 diction and venue, that is located within the  
18 State seeking such review.

19 “(4) AUTHORIZATION OF INTEREST TRANS-  
20 FERS.—

21 “(A) IN GENERAL.—Of the total amount  
22 made available in any fiscal year from the  
23 Trust Fund, an amount equal to 50 percent of  
24 the interest earned by the Trust Fund and pro-  
25 ceeds from investments made by the Trust

1 Fund for the preceding fiscal year shall be  
2 transferred to the Gulf of Mexico Research En-  
3 dowment established by subparagraph (B).

4 “(B) GULF OF MEXICO RESEARCH ENDOW-  
5 MENT.—

6 “(i) IN GENERAL.—There is estab-  
7 lished in the Treasury of the United States  
8 a trust fund to be known as the ‘Gulf of  
9 Mexico Research Endowment’, to be ad-  
10 ministered by the Secretary of Commerce,  
11 solely for use in providing long-term fund-  
12 ing in accordance with section 18005 of  
13 the Resources and Ecosystems Sustain-  
14 ability, Tourist Opportunities, and Revived  
15 Economies of the Gulf Coast States Act of  
16 2012.

17 “(ii) INVESTMENT.—Amounts in the  
18 Gulf of Mexico Research Endowment shall  
19 be invested in accordance with section  
20 9602 of the Internal Revenue Code of  
21 1986, and any interest on, and proceeds  
22 from, any such investment shall be avail-  
23 able for expenditure and shall be allocated  
24 in equal portions to the Gulf Coast Eco-  
25 system Restoration Science, Monitoring,

1 and Technology Program and Fisheries  
2 Endowment established in section 18005 of  
3 the Resources and Ecosystems Sustain-  
4 ability, Tourist Opportunities, and Revived  
5 Economies of the Gulf Coast States Act of  
6 2012.”.

7 **SEC. 18005. GULF COAST ECOSYSTEM RESTORATION**  
8 **SCIENCE, OBSERVATION, MONITORING, AND**  
9 **TECHNOLOGY PROGRAM.**

10 (a) DEFINITIONS.—In this section:

11 (1) ADMINISTRATOR.—The term “Adminis-  
12 trator” means the Administrator of the National  
13 Oceanic and Atmospheric Administration.

14 (2) COUNCIL.—The term “Council” has the  
15 meaning given such term in section 311 of the Fed-  
16 eral Water Pollution Control Act (33 U.S.C. 1321),  
17 as added by section 18004 of this title.

18 (3) FISHERIES AND ECOSYSTEM ENDOW-  
19 MENT.—The term “Fisheries and Ecosystem En-  
20 dowment” means the endowment established by sub-  
21 section (d).

22 (4) GULF COAST REGION.—The term “Gulf  
23 Coast region” has the meaning given such term in  
24 section 311 of the Federal Water Pollution Control

1 Act (33 U.S.C. 1321), as added by section 18004 of  
2 this title.

3 (5) GULF COAST STATE.—The term “Gulf  
4 Coast State” has the meaning given such term in  
5 section 311 of the Federal Water Pollution Control  
6 Act (33 U.S.C. 1321), as added by section 18004 of  
7 this title.

8 (6) PROGRAM.—The term “Program” means  
9 the Gulf Coast Ecosystem Restoration Science, Ob-  
10 servation, Monitoring, and Technology Program es-  
11 tablished by subsection (b).

12 (b) ESTABLISHMENT OF PROGRAM.—There is estab-  
13 lished within the National Oceanic and Atmospheric Ad-  
14 ministration a program to be known as the “Gulf Coast  
15 Ecosystem Restoration Science, Observation, Monitoring,  
16 and Technology Program”, to be carried out by the Ad-  
17 ministrator.

18 (c) CENTERS OF EXCELLENCE.—

19 (1) IN GENERAL.—In carrying out the Pro-  
20 gram, the Administrator shall make grants in ac-  
21 cordance with paragraph (2) to establish and oper-  
22 ate 5 centers of excellence, 1 of which shall be lo-  
23 cated in each of the States of Alabama, Florida,  
24 Louisiana, Mississippi, and Texas.

25 (2) GRANTS.—



1           (A) IN GENERAL.—The Administrator  
2           shall use the amounts made available to carry  
3           out this section to award competitive grants to  
4           nongovernmental entities and consortia in the  
5           Gulf Coast region (including public and private  
6           institutions of higher education) for the estab-  
7           lishment of centers of excellence as described in  
8           paragraph (1).

9           (B) APPLICATION.—To be eligible to re-  
10          ceive a grant under this paragraph, an entity or  
11          consortium described in subparagraph (A) shall  
12          submit to the Administrator an application at  
13          such time, in such manner, and containing such  
14          information as the Administrator determines to  
15          be appropriate.

16          (C) PRIORITY.—In awarding grants under  
17          this paragraph, the Administrator shall give  
18          priority to entities and consortia that dem-  
19          onstrate the ability to establish the broadest  
20          cross-section of participants with interest and  
21          expertise in any discipline described in para-  
22          graph (3) on which the proposed curriculum of  
23          the center of excellence will be focused.

24          (D) PREFERENCE.—The Administrator  
25          shall award grants in a manner that provides a

1 preference to entities and consortia that are  
2 principally led by, are headquartered in, or are  
3 principally engaged in research in a Gulf Coast  
4 State and shall include representatives from re-  
5 search universities that are engaged in marine  
6 and ocean science, deltaic sustainability, or gulf  
7 coast restoration in the applicable Gulf Coast  
8 State.

9 (3) DISCIPLINES.—Each center of excellence  
10 shall focus the curriculum of the center on science,  
11 technology, and monitoring in at least 1 of the fol-  
12 lowing disciplines:

13 (A) Coastal and deltaic sustainability, res-  
14 toration, and protection, including solutions and  
15 technology that allow citizens to live safely and  
16 sustainably in a coastal delta.

17 (B) Coastal fisheries and wildlife eco-  
18 system research and monitoring.

19 (C) Offshore energy development, including  
20 research and technology to improve the sustain-  
21 able and safe development of energy resources.

22 (D) Sustainable and resilient growth, eco-  
23 nomic and commercial development in the Gulf  
24 Coast.

1 (E) Comprehensive observation, moni-  
2 toring, and mapping of the Gulf of Mexico.

3 (4) COORDINATION WITH OTHER PROGRAMS.—

4 The Administrator shall develop a plan for the co-  
5 ordination of projects and activities between the Pro-  
6 gram and other existing Federal and State science  
7 and technology programs in the States of Alabama,  
8 Florida, Louisiana, Mississippi, and Texas, as well  
9 as between the centers of excellence.

10 (d) ESTABLISHMENT OF FISHERIES AND ECOSYSTEM  
11 ENDOWMENT.—

12 (1) IN GENERAL.—Not later than 180 days  
13 after the date of enactment of this title, the Council  
14 shall establish a fishery and ecosystem endowment  
15 to ensure, to the maximum extent practicable, the  
16 long-term sustainability of the ecosystem, fish  
17 stocks, fish habitat, and the recreational, commer-  
18 cial, and charter fishing industries in the Gulf of  
19 Mexico.

20 (2) EXPENDITURE OF FUNDS.—For each fiscal  
21 year, amounts made available to carry out this sub-  
22 section may be expended for, with respect to the  
23 Gulf of Mexico—

24 (A) marine and estuarine research;

- 1 (B) marine and estuarine ecosystem moni-  
2 toring and ocean observation;  
3 (C) data collection and stock assessments;  
4 (D) pilot programs for—  
5 (i) fishery independent data; and  
6 (ii) reduction of exploitation of spawn-  
7 ing aggregations; and  
8 (E) cooperative research.

9 (3) ADMINISTRATION AND IMPLEMENTATION.—  
10 The Fisheries and Ecosystem Endowment shall be  
11 administered by the Administrator with guidance  
12 provided by the Regional Gulf of Mexico Fishery  
13 Management Council.

14 (4) SPECIES INCLUDED.—The research, moni-  
15 toring, assessment, and programs eligible for  
16 amounts made available under the Fisheries and  
17 Ecosystem Endowment shall include all marine, es-  
18 tuarine, aquaculture, and fish species in State and  
19 Federal waters of the Gulf of Mexico.

20 (5) RESEARCH PRIORITIES.—In distributing  
21 funding under this subsection, priority shall be given  
22 to integrated, long-term projects that—

- 23 (A) build on, or are coordinated with, re-  
24 lated research activities; and

1 (B) address current or anticipated marine  
2 ecosystem, fishery, or wildlife management in-  
3 formation needs.

4 (6) DUPLICATION.—In carrying out this sub-  
5 section, the Administrator shall seek to avoid dupli-  
6 cation of other research and monitoring activities.

7 (7) LIMITATION ON EXPENDITURES.—

8 (A) IN GENERAL.—Not more than 3 per-  
9 cent of funds provided in subsection (e) shall be  
10 used by the Administrator for administrative  
11 expenses.

12 (B) NOAA.—The funds provided in sub-  
13 section (e) may not be used—

14 (i) for any existing or planned re-  
15 search headed by the National Oceanic and  
16 Atmospheric Administration, unless as  
17 agreed to in writing by the grant recipient  
18 entity;

19 (ii) to implement existing regulations  
20 or to initiate new regulations promulgated  
21 or proposed by the National Oceanic and  
22 Atmospheric Administration; or

23 (iii) to develop or approve a new lim-  
24 ited access privilege program (as that term  
25 is used in section 303A of the Magnuson-

1 Stevens Fishery Conservation and Manage-  
2 ment Act) for any fishery under the juris-  
3 diction of the South Atlantic, Mid-Atlantic,  
4 New England, or Gulf of Mexico Fishery  
5 Management Councils.

6 (e) FUNDING.—Except as provided in section  
7 311(t)(4) of the Federal Water Pollution Control Act (33  
8 U.S.C. 1321(t)(4)), of the total amount made available for  
9 each fiscal year for the Gulf Coast Restoration Trust  
10 Fund established under section 18003 of this title, 5 per-  
11 cent shall be allocated in equal portions to the Program  
12 and the Fisheries and Ecosystem Endowment established  
13 by this section.

14 (f) SUNSET.—Any entities established under this sec-  
15 tion shall cease operations when all funds in the Gulf  
16 Coast Restoration Trust Fund established under section  
17 18003 of this title have been expended.

18 **SEC. 18006. EFFECT.**

19 (a) IN GENERAL.—Nothing in this title or any  
20 amendment made by this title—

21 (1) supersedes or otherwise affects any provi-  
22 sion of Federal law, including, in particular, laws  
23 providing recovery for injury to natural resources  
24 under the Oil Pollution Act of 1990 (33 U.S.C.

1       2701 et seq.) and laws for the protection of public  
2       health and the environment; or

3           (2) applies to any fine collected under section  
4       311 of the Federal Water Pollution Control Act (33  
5       U.S.C. 1321) for any incident other than the *Deep-*  
6       *water Horizon* oil spill.

7       (b) USE OF FUNDS.—Funds made available under  
8       this title may be used only for eligible activities specifically  
9       authorized by this title.

10       (c) DEFINITION.—The term “*Deepwater Horizon* oil  
11       spill” has the meaning given such term in section 311 of  
12       the Federal Water Pollution Control Act (33 U.S.C.  
13       1321).

14       **SEC. 18007. LAND ACQUISITION.**

15       None of the funds made available under this title may  
16       be used for Federal land acquisition.

